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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

PHETSAMAY KAOMIXAY,)	CIVIL NO. 1:23-cv-00992-SKO
Plaintiff,)	
v.)	STIPULATION AND UNOPPOSED
KILOLO KIJAKAZI,)	MOTION TO VOLUNTARY REMAND
Acting Commissioner of Social Security,)	PURSUANT TO SENTENCE FOUR OF 42
Defendant.)	U.S.C. § 405(g) AND TO ENTRY OF
)	JUDGMENT; ORDER
)	(Doc. 11)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for a new decision. The parties further request that the Court

STIPULATION TO REMAND; ORDER

1 direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against
2 Defendant, reversing the final decision of the Acting Commissioner.

3 Respectfully submitted,

4
5 DATE: September 1, 2023

/s/ Jonathan O. Peña*

JONATHAN O. PEÑA

Attorney for Plaintiff

*Authorized via e-mail on September 1, 2023

8 PHILLIP A. TALBERT

9 United States Attorney

10 MATHEW W. PILE

Associate General Counsel

Office of Program Litigation, Office 7

12
13 DATE: September 1, 2023

By: /s/ Justin L. Martin

JUSTIN L. MARTIN

Special Assistant United States Attorney

Office of Program Litigation, Office 7

16 Attorneys for Defendant

17 **ORDER**

18 Based upon the parties' Stipulation and Unopposed Motion to Voluntary Remand
19 Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (Doc. 11), and for
20 cause shown, IT IS ORDERED that the above-captioned action is remanded to the Acting
21 Commissioner of Social Security for further proceedings pursuant to the Social Security Act §
22 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will
23 remand the case to an administrative law judge for a new decision in accordance with the parties'
24 Stipulation.

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1 The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant,
2 vacating and reversing the final decision of the Commissioner and thereafter close this case.

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4 IT IS SO ORDERED.

5 Dated: September 1, 2023

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE